

Kansas Register

Ron Thornburgh, Secretary of State

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Social and Rehabilitation Services

Notice of Meeting

The Department of Social and Rehabilitation Services will meet at 10 a.m. Tuesday, April 9, at the Wichita area office, 230 E. William, Wichita. The Secretary of Social and Rehabilitation Services will chair the meeting. The public is invited to attend. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute; Emporia; Garden City; Hays; Hutchinson; Kansas City; Lawrence; Manhattan; Olathe; Salina; and the SRS staff development conference room, 300 S.W. Oakley, Topeka.

Rochelle Chronister Secretary of Social and Rehabilitation Services

Doc. No. 017401

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Federal Block Grants

The House Appropriations Committee of the Kansas Legislature will conduct a public hearing at 1:30 p.m. Wednesday, April 3, in Room 514-S, State Capitol, 300 S.W. 10th Ave., Topeka. The scheduled agenda includes social service block grant; low income home energy assistance block grant; community mental health services block grant; block grant for the prevention and treatment of substance abuse; projects for assistance in transition from homelessness (formerly mental health services for the homeless) block grant; and other matters pertaining to the SRS budget.

Rochelle Chronister Secretary of Social and Rehabilitation Services

Doc. No. 017409

State of Kansas

Board of Emergency Medical Services

Notice of Meeting

The Board of Emergency Medical Services will meet at 9 a.m. Friday, April 5, in the Pozez Education Center, Stormont-Vail Medical Center, 1500 S.W. 10th, Topeka. Agenda items include committee reports, action on a grant application, a presentation on board data and strategic planning.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W.

6th, Topeka, 66603, (913) 296-7296.

Bob McDaneld Administrator

Doc. No. 017412

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or fax (913) 532-5632 for additional information.

> Tuesday, April 2, 1996 #60121

Tunable diode laser system

#60122

Phase-change color printer

William H. Sesler Director of Purchasing

Doc. No. 017413

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Register Office: Room 233-N, State Capitol (913) 296-3489

Social and Rehabilitation Services

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 2 p.m. Friday, May 24, at the SRS Staff Development, Room B, 300 S.W. Oakley, Topeka State Hospital grounds, to consider the adoption of new and amended changes in existing rules and regulations on a permanent basis effective July 1, 1996. Telephone conference will not be available.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations. All interested parties may submit written comments prior to the hearing or during the public hearing to Hope Burns, Office of the Secretary, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views; it may be necessary to request each participant to limit any oral presentation to five minutes.

The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Copies of the regulations and the economic impact statement may be obtained by contacting Hope Burns at (913) 296-3969.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns at (913) 296-3969 or by calling the Kansas Relay Center at 1-800-766-3777.

The adoption of the July 1, 1996, permanent regulations will take place at 9 a.m. Wednesday, May 29, in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will not be available.

A summary of the proposed regulations and the economic impact follows:

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-63. KanWork program requirements. This regulation is being amended to remove the requirement that a person's illness or incapacity prevents the person from entering or engaging in training for purposes of exempting the person from the KanWork program. The exemption is now only applicable to persons who are prevented from employment by their condition. Other technical changes also have been incorporated.

Economic Impact: This change is not expected to have any discernable economic impact.

30-4-64. Work program requirements. This regulation is being amended to remove the requirement that a person's illness or incapacity prevents the person from entering or engaging in training for purposes of exempting the person from work program requirements. The exemption is now only applicable to persons who are pre-

vented from employment by their conditions. Other technical changes also have been incorporated.

Economic Impact: This change is not expected to have any discernable economic impact.

30-4-85a. Eligibility factors specific to the emergency assistance program. This regulation is being amended to clarify language as per comments made by the Joint Committee on Rules and Regulations.

Economic Impact: None.

30-4-96. Burial assistance program. This regulation is being amended to make the following changes to the eligibility criteria and assistance provided:

1. Only the assets in the person's estate or owned by the person's family at the time of death will be considered in determining eligibility. Where the person was not living with his or her child under age 21, spouse, or adult disabled child, the estate will be considered available. If the person was living with one of the above mentioned individuals, the assets of the family will be considered.

2. The total proceeds from any life insurance policy on the decedent will be considered available if the policy was owned by the decedent, his or her spouse, or his or her parent if the decedent was a child under age 21.

3. Cash contributions from families and friends will no longer be counted in determining assistance.

4. If the assets considered available do not exceed \$2,000, burial assistance may be provided. If the assets are over \$2,000, there is ineligibility for assistance.

5. The agency will not participate in payment of burial expenses if the total expenses exceed \$3,000.

6. If eligible, the amount of assistance provided shall be \$550.

Other related technical changes also have been made as a result of the Governor's budget recommendation to reduce expenditures in the program in FY 1997.

Economic Impact: This change is expected to result in state general fund savings of almost \$182,000 in FY 1997 and succeeding fiscal years.

Bearer of Cost: None.

Affected Parties:

1. This change will have a moderate administrative impact on SRS staff by streamlining and simplifying current eligibility criteria.

2. This change will have negative impact on some families as the consideration of life insurance proceeds will result in 51 fewer burials paid under the program.

3. This change will have a beneficial impact on the state funeral home directors. Although less assistance will be provided by placing a \$3,000 limit on the total cost of burial expenses, the directors will be allowed to seek contributions from families and friends of the decedent to pay the remaining expenses without being subject to reduced assistance.

Other Methods: The agency considered other methods of achieving the necessary reductions to stay within the budget recommendation. This method was decided upon as it had only a minor impact on the total burials paid for under the program while achieving the cost savings needed. The agency worked in cooperation with the Kan
(continued)

sas Funeral Directors Association in developing this program change.

30-4-121. Special allowances for burial expenses. This regulation is being revoked as the payment standard for burial assistance is now contained in K.A.R. 30-4-96.

Economic Impact: See the economic impact statement for K.A.R. 30-4-96.

30-4-130. Types of payments. This regulation is being amended to remove the protective payment requirement when a caretaker relative has been removed from an AFDC or GA assistance plan due to failure to cooperate with child support enforcement, third party resource provisions, or work program requirements.

Economic Impact: This change is not expected to have

any discernable economic impact.

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REQUIREMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-58. Definitions. This regulation is being amended

to remove the term "precertification."

Economic Impact: The definition for "precertification" has been identical with "prior authorization." Removing "precertification" has no impact.

30-5-64. Prior authorization or precertification. The term "precertification" is being eliminated from this regulation. There is no change in which services require prior authorization. Prior authorization and precertification have had identical definitions.

Economic Impact: This change will have no fiscal impact. Services that required precertification will require

prior authorization.

30-5-81. Scope of hospital services. This regulation is being changed to remove heart and liver transplants from prior authorization. Also, since the Kansas University Medical Center has no heart transplant program, references to KUMC as the sole provider of these transplants is being removed.

Economic Impact: Since the agency has never withheld prior authorization of heart or liver transplants for an eligible consumer, lifting this burden from providers will

have no fiscal impact.

30-5-88. Scope of physician services. This regulation is being amended to remove prior authorization requirements from heart and liver transplants and to remove references to the Kansas University Medical Center as the sole provider of these services.

Economic Impact: None.

Article 6.—MEDICAL ASSISTANCE PROGRAM— CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-65. Automatic eligibles. This regulation has been amended to eliminate automatic medical coverage for persons rendered ineligible for ADC for failure to cooperate with child support enforcement and work program requirements or due to fraud disqualification.

Economic Impact: This change is expected to result in loss of medical coverage for approximately 790 adults

and an annual savings of approximately \$1.2 million (\$500,000 state general fund).

Bearer of Cost: None.

Affected Parties:

1. This change will have a moderate administrative impact on SRS staff in regard to casework required to eliminate coverage, but should have only minimal impact on an ongoing basis.

2. This change will have a negative impact on approximately 790 adults by eliminating medical coverage for them. Such adults would not be otherwise eligible for any

other medical assistance program.

Other Methods: No other methods were considered. This change is being made to provide a further disincentive for adults who refuse to abide by ADC program requirements. Medical as well as cash assistance can be provided once the individual has cooperated. The change further promotes individual responsibility, one of the key components of welfare reform. Neither children nor pregnant women are affected by this change. This regulation is being further amended to delete the following requirements in the determination of transitional medical assistance eligibility:

1. Providing ongoing status reports;

2. Continuation of employment; and

3. Income below 185 percent of federal poverty.

Economic Impact: This change is expected to continue assistance for approximately 70 additional families each month resulting in an increase in expenditures of approximately \$398,000 a year (\$163,000 state general fund).

Bearer of Cost: The taxpayers of the State of Kansas will bear the additional costs of this change through appro-

priated state and federal funds.

Affected Parties:

1. This change will have a moderate impact on SRS staff as it simplifies the current program and streamlines the eligibility process.

2. The change will benefit approximately 70 families each month by continuing medical benefits to them.

Other Methods: The agency discussed other methods regarding this change, but took this action to streamline current program criteria without negatively impacting current eligibles. Although the change increases program costs, this increase is offset by changes made regarding automatic medical coverage as described above.

Article 7.—APPEALS, FAIR HEARINGS AND AFDC/GA DISQUALIFICATION HEARINGS

30-7-102. Disqualification hearings. This regulation is being amended to remove the provision that postpones the fraud disqualification until after a reapplication for AFDC or GA is approved. Other technical changes also have been made.

Economic Impact: This change is not expected to have any discernable economic impact.

30-7-103. Waiver of the administrative disqualification hearing. This regulation is being amended to remove the provision to postpone the disqualification period after a reapplication for AFDC or GA is approved.

Economic Impact: See the economic impact statement for K.A.R. 30-7-102.

30-7-104. Court actions on consent agreements. This regulation is being amended to remove the provision for postponing the fraud disqualification until after a reapplication for AFDC or GA is approved.

Economic Impact: See the economic impact statement

for K.A.R. 30-7-102.

Article 10.—ADULT CARE HOME PROGRAM

30-10-21. Reserve days. This regulation is being amended to end the requirement for an exchange of paperwork for reserve day billing.

Économic Impact: The regulation change reduces the amount of paperwork sent to the fiscal agent for process-

ing

30-10-217. ICF-MR reserve days. This regulation is being changed to reduce unnecessary paperwork transfer between the agency, providers and the fiscal agent.

Economic Impact: There is no fiscal impact.

Article 41.—LICENSING OF COMMUNITY BASED AGENCIES PROVIDING SERVICES TO ADULTS WITH MENTAL RETARDATION OR OTHER DEVELOPMENTAL DISABILITIES

30-41-1 through 30-41-5, 30-41-6a, 30-41-6c through 30-41-6h, 30-41-7a through 30-41-7i, 30-41-8, and 30-41-10 through 30-41-20 are being revoked because they are being replaced by new Article 63—Licensing Providers of Community Services.

Economic Impact: None.

Article 63.—DEVELOPMENTAL DISABILITIES: LICENSING OF PROVIDERS OF COMMUNITY SERVICES

30-63-1, 30-63-10 through 30-63-14, and 30-63-20 through 30-63-31. These proposed regulations replace the current licensing regulations found in Article 41. They provide for the health and safety requirements which community agencies providing services to developmentally disabled persons must meet in order to be licensed. These regulations update the language, streamline the regulatory process by eliminating unnecessary requirements, and clarify the department expectations of the minimum standards providers must meet in order to be licensed.

Economic Impact: None.

Article 64.—DEVELOPMENTAL DISABILITIES: COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATIONS (CDDOs)

30-64-1. This proposed regulation outlines the requirements of an organized network of community services statewide which must be met by local Community Developmental Disability Organizations (CDDOs) pursuant to K.S.A. 39-1801 et seq. Outcome expectations were established for CDDOs in areas identified by a DD Reform Act Steering Committee as critical to implementation of a statewide organized network of community services for persons with developmental disabilities.

These expectations became the basis for the proposed regulations.

Economic Impact: A preliminary estimate is based on a range of projections from community agencies which represented large, medium and small Community Developmental Disability Organizations. The large agency represents an urban area and the medium and small agencies represent rural areas. The estimated costs varied by function as some agencies were engaging in some of the required activities prior to enactment of DD reform and some were not. There was general agreement the projected costs were not to include any costs of services to consumers or any provider administrative costs for providing services directly to consumers. Some agencies expect to carry out the required functions by adding duties to current staff with little fiscal impact, and some will need to add staff.

The range of estimates were from \$1.05 per client per day for the large urban agency; \$2.59 per client per day for the medium rural agency; and \$2.77 per client per day for the small rural agency. An average of the three is \$2.13 per client per day, which projects to a total possible economic impact system wide for persons currently receiving community services to be \$3.83 million. It is the agency's belief that this is a high estimate and actual implementation will be less. Estimates from additional agencies will be solicited.

Bearer of Cost: Community Developmental Disability

Organizations within legislative appropriations.

Affected Parties:

1. Agency proposing regulation—None.

2. Other governmental agencies or units—None.

3. Consumers—Primary beneficiaries: an organized, coordinated, efficient system of community services will mean consumers and families will be able to access equivalent services in all areas of the state and will have portability to assure they have services no matter where they may need to move.

Other Methods: The committee working on the statement of economic impact could not agree on any other methods which would still carry out the letter and intent

of the legislation.

30-64-10 through 30-64-13 and 30-64-20 through 30-64-34. These proposed regulations outline the requirements of an organized network of community services statewide which must be met by local Community Developmental Disability Organizations (CDDOs) pursuant to K.S.A. 39-1801 et seq. Outcome expectations were established for CDDOs in areas identified by a DD Reform Act Steering Committee as critical to implementation of a statewide organized network of community services for persons with developmental disabilities. These expectations became the basis for the proposed regulations.

Economic Impact: See economic impact statement for

30-64-1.

Rochelle Chronister Secretary of Social and Rehabilitation Services

Doc. No. 017407

evita auditra

Mechanisher Color

State of Kansas

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, April 1, 1996

divinal by led off. 31331 Rebid Statewide—Office supplies

31699

Kansas Correctional Industries, State Surplus Property—Auctioneering services (selected vehicles)

Tuesday, April 2, 1996 od godinosimo mos d

31553 Supp.

Statewide—Magnetic media Hiss grid copy of a cold made

31714

Bri Statewide May (1996) meat products

31718

Kansas Insurance Department—Janitorial services, Topeka

Kansas State University—Backflow preventers 03511

Department of Transportation—Wood signposts, Hutchinson and Salina

Wednesday, April 3, 1996

03513

University of Kansas--Printing press repair 03514

Department of Transportation—Luminaires, Wichita 03515

University of Kansas—Memory upgrade for Silicon Graphics processor

03520

Emporia State University—Law enforcement automobile

Department of Transportation—Asphalt paver, Topeka and Chanute

03522

Department of Transportation—Aggregate, Leavenworth 03523 138VIO STORE

Kansas State University—Software emulation system (System 36 to Unix based system)

03524

Kansas State University—Furnish and set-up exercise equipment

03527

Kansas State University—Furnish and set-up microform reader/printer

Kansas State University—Engineering copier

Thursday, April 4, 1996

A-7064(h)

Kansas State University—Intramural field maintenance building, Chester E. Peters Recreational Center

A-7855

University of Kansas—Room 301/303, remodel lab, Lindley Hall

31711

Kansas Bureau of Investigation—Criminal records system application enhancement service

03519

Kansas State University-Moisture/solids analyzer, fat extraction system

Friday, April 5, 1996

03532

Department of Transportation—Grass seed, Salina 03533

Wichita State University—Electronic lock systems 03534

Department of Agriculture—HPLC without detector 03536

University of Kansas—Cargo van

Tuesday, April 9, 1996

A-7835

Pittsburg State University—Renovation of Room 102, Yates Hall

> Thursday, April 11, 1996 A-7064(f)

Kansas State University—Sand volleyball courts, Chester E. Peters Recreation Complex 31713

Statewide—Stock computer forms

Friday, April 12, 1996

03507

Kansas State University—Lighting equipment

Tuesday, April 16, 1996

Department of Corrections-Mechanical upgrade, Administrative Building, Topeka Correctional Facility, central unit

A-7867

Department of Wildlife and Parks—Auditorium sound system, Great Plains Nature Center, Wichita

Friday, April 19, 1996

31716

Kansas State University—Pre-sort services

Request for Proposals

Monday, April 1, 1996

31715

Novell (MLA), statewide

Monday, April 22, 1996

Child Support Enforcement Program for the Department of Social and Rehabilitation Services

> John T. Houlihan **Director of Purchases**

Doc. No. 017420

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions were recently introduced by the 1996 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka, 66612, (913) 296-4096.

Bills introduced March 7-13:

House Bills

HB 3071, by Committee on Appropriations: An act concerning the insurance department; authorizing education and training programs and fees therefor; establishing the insurance education and training fund.

HB 3072, by Committee on Appropriations: An act concerning the Kansas public employees retirement system; relating to benefits; amending K.S.A. 74-4913 and repealing the existing section.

HB 3073, by Committee on Appropriations: An act concerning the Kansas public employees retirement system; relating to employment after retirement; amending K.S.A. 74-4957a and K.S.A. 1995 Supp. 74-4914 and 74-4957 and repealing the existing sections.

HB 3074, by Committee on Appropriations: An act concerning the Kansas public employees retirement system; relating to purchase of additional benefits; amending K.S.A. 74-4936a and K.S.A. 1995 Supp. 74-4919n and repealing the existing sections.

HB 3075, by Committee on Appropriations: An act concerning the Kansas public employees retirement system and systems thereunder; relating to benefits; affiliation by certain employers; purchase of service credit; legal representation; employment after retirement; membership waiting period; amending K.S.A. 20-2601, 74-4910, 74-4936a and 74-4957a and K.S.A. 1995 Supp. 74-4908, 74-4911, 74-4917, 74-4919h, 74-4919n, 74-4964 and 74-4964a and repealing the existing sections.

HB 3076, by Committee on Appropriations: An act concerning the department of revenue; relating to fees to provide access to or to furnish copies of certain data in electronic database systems of the department; prescribing certain guidelines; establishing the electronic databases fee fund; amending K.S.A. 1995 Supp. 74-2012 and repealing the existing

HB 3077, by Committee on Appropriations: An act concerning district hospitals; selection of board members; amending K.S.A. 1995 Supp. 80-2508 and repealing the existing section.

HB 3078, by Committee on Appropriations: An act concerning the Kansas commission on veterans affairs; relating to the Kansas soldiers' home; authorizing contracts for administrative services and other services therefor, amending K.S.A. 76-1904 and repealing the existing sec-

HB 3079, by Committee on Taxation: An act relating to collection of delinquent oil and gas property tax; amending K.S.A. 1995 Supp. 79-2101 and repealing the existing section.

House Concurrent Resolutions

HCR 5046, A concurrent resolution memorializing the President and the United States Congress to take action to identify, locate and provide funds for research and treatment of Gulf War illness among Persian Gulf War Veterans and their families; to work jointly with private research facilities; to review and declassify information on this illness; and place a moratorium on blood, blood products and organ donations by Gulf

HCR 5047, A concurrent resolution urging the Governor of Kansas, the Secretary of Health and Environment, the executive director of the Commission on Veterans' Affairs, other appropriate state agency heads and veterans service organizations to take action to create a state registry of spouses and family members of veterans and other persons having symptoms of Gulf War illness.

HCR 5048, A concurrent resolution concerning institutional and system-wide performance measures for state educational institutions under

the control and supervision of the State Board of Regents.

House Resolutions

HR 6015, A resolution urging the Department of Social and Rehabilitation Services and the administration of President Clinton to pursue with all available means the granting of federal waivers for the 1994 Kansas Welfare Reform Act.

HR 6016, A resolution memorializing Congress to enact legislation providing for uniform income tax treatment of health insurance premium expenses.

Senate Bills

SB 739, by Committee on Ways and Means: An act concerning the Kansas police and firemen's retirement system; relating to membership by certain employees of the department of wildlife and parks; employee and employer contributions.

SB 740, by Committee on Ways and Means: An act concerning the Kansas public employees retirement system and systems thereunder; amending K.S.A. 1995 Supp. 74-4988 and repealing the existing section.

SB 741, by Committee on Ways and Means: An act concerning infants and toddlers; relating to the state administration of the federal individuals with disabilities education act; amending K.S.A. 1995 Supp. 74-7802, 74-7803, 75-5648 and 75-5649 and repealing the existing sections.

SB 742, by Committee on Ways and Means: An act establishing a pilot vocation rehabilitation engineering program.

SB 743, by Committee on Ways and Means: An act authorizing the conveyance of certain real property owned by the university of Kansas to the Kansas university endowment association and authorizing the acceptance and conveyance of certain real property owned by the Kansas university endowment association to the university of Kansas.

SB 744, by Committee on Ways and Means: An act concerning agricultural corporations; relating to swine production facilities; amending K.S.A. 17-5903, 17-5908 and 19-101a and repealing the existing sections. Doc. No. 017403

State of Kansas

Buhler, KS 67522

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

Public Notice No. KS-AG-96-79/82

Legal Name and Address of Applicant Description S/2, Sec. 24, T19S, Cal-Maine Foods, Inc. P.O. Box 347

R10W, Rice County

Receiving Water Lower Arkansas

River Basin

Federal Permit No. KS-0090972 Kansas Permit No. A-ARRC-P001 This is a new facility for 1,715,000 head (1,715 animal units) of layer and

pullets (poultry). This a modification to the previous permit to change from a wet manure storage system to dry manure storage.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 8.8 acre-feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan by designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and (continued)

solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 2 acre inch per acre per year and solids shall be applied at not greater than 10 ton per acre.

Name and Address of Applicant Rex Griffith Route 1, Box 33A

Seneca, KS 66538

Receiving Legal Description Water NW/4, Sec. 24, T1S, Missouri River R12E, Nemaha Basin

County

Kansas Permit No. A-MONM-S051

This is an existing facility for 240 head of swine (96 animal units) and 80 head of beef cattle (80 animal units).

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address Legal of Applicant Dwight Dyck 2671 Buckskin Road

Receiving Description Water NE/4, Sec. 21, T21S, Little Arkansas R1W, McPherson River Basin

Moundridge, KS 67107-7445 County Kansas Permit No. A-LAMP-P002

This is a new facility for 48,000 head (1,584 animal units) of chickens.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plan shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant **Kay Steward** 9633 S.W. 89th **Auburn, KS 66402**

Description SW/4, Sec. 22, T13S, R14E, Shawnee

Receiving Kansas River Basin

County Kansas Permit No. A-KSSN-M001

This is an existing facility for 30 head (42 animal units) of dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 14,420 cubic-feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Public Notice No. KS-96-047/052

Name and Address of Applicant Cherokee County SD 1 & 2

Waterway Spring River

Type of Discharge Treated domestic

Cherokee County Commissioners Cherokee County

wastewater

Courthouse Columbus, KS 66725

Kansas Permit No. M-NE73-OO02

Federal Permit No. KS-0091057

Facility Location: SW1/4 Section 24 & NW1/4 Section 25, Township 34S, Range 24E, Cherokee County

Facility Description: The proposed permit is for operation of a new three-cell wastewater treatment facility treating domestic wastewater. Standard secondary treatment requirements of biochemical oxygen demand, total suspended solids, pH and flow are proposed. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant

Waterway Arkansas River Type of Discharge Treated domestic wastewater

City of Ellinwood P.Ó. Box 278 Ellinwood, KS 67526

Kansas Permit No. M-AR32-OO02

Federal No. KS-0090999

Facility Location: NE1/4 Section 6, Township 20S, Range 11W, **Barton County**

Facility Description: The proposed permit is for a new wastewater treatment facility to replace the existing facility. The new facility location and outfall will be at the same site as the old facility. The new facility consists of a mechanical wastewater treatment system treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria and are water quality based.

Name and Address of Applicant City of Riley P.O. Box 176 Riley, KS 67531

Type of Waterway Discharge Kansas River via Wildcat Creek

Treated domestic wastewater

Kansas Permit No. M-KS62-OO01 Federal No. KS-0085235 Facility Location: SW1/4 Section 12, Township 9S, Range 5E, Riley County

Facility Description: The permit is for an existing facility. The facility consists of a three-cell wastewater treatment lagoon system treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant USD #345—Seaman High 1124 W. Lyman Road Topeka, KS 66608

Waterway Kansas River via Soldier Creek via unnamed tributary

Type of Discharge Treated domestic wastewater

Kansas Permit No. M-KS72-OO18

Federal No. KS-0080098

Facility Location: SE1/4 Section 31, Township 10S, Range 16E, Shawnee County

Facility Description: The permit is for an existing facility. The facility consists of a two-cell wastewater treatment lagoon system treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

of Applicant City of Westmoreland P.O. Box 7 Westmoreland, KS 66549

Name and Address

Waterway Kansas River via Vermillion River via Rock Creek

Type of Discharge Treated domestic wastewater

Kansas Permit No. M-KS75-OO01

Federal No. KS-0046485

Facility Location: SE1/4 Section 4, Township 8S, Range 9E, Pottawatomie County

Facility Description: The permit is for an existing facility. The facility consists of a two-cell wastewater treatment lagoon system treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant Rocky Ford Trailer Court c/o Lois and Rick Borg 6201 Cedar Creek Road Manhattan, KS 66502

Waterway Kansas River via Blue River via

Cedar Creek

Type of Discharge Treated domestic wastewater

Kansas Permit No. C-KS38-OO03

Federal No. KS-0079201

Facility Location: NE1/4 Section 30, Township 9S, Range 8E, Pottawatomie County

Facility Description: The permit is for an existing facility. The facility consists of a septic tank two-cell wastewater treatment lagoon system treating domestic wastewater. The proposed permit contains a schedule of compliance requiring the facility to obtain the services of KDHE-certified operator. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Public Notice No. KS-ND-96-018/022

Name and Address of Applicant

Legal Location Type of Discharge

Div. of Motor Carriers **Highway Patrol** 700 S.W. Jackson, Suite 500

NE1/4, S8, T35S, R1E, Sumner County

Nondischarging

Topeka, KS 66603

Kansas Permit No. C-AR81-NO02

Co-owner: Div. of Travel and Tourism, 400 S.W. 8th, 5th Floor, Topeka, KS 66613

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing nondischarging wastewater treatment plant treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant

Vicki Eldridge Janice Voight Sub. Rest. 13944 Mitchell Court Basehor, KS 66007

Legal Location NE1/4, S25, T10S,

Type of Discharge Nondischarging

R22E, Leavenworth

County

Kansas Permit No. C-KS04-NO02

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing nondischarging wastewater treatment plant treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant

Lakeside Association c/o Phil Schmanke Quality Body Shop 5301 Tuttle Creek Blvd. Manhattan, KS 66502

Legal Location

NW1/4, S25, T9S, R7E, Riley County Type of Discharge

Type of

Discharge

Nondischarging

Nondischarging

Kansas Permit No. C-BB25-NO02

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing nondischarging wastewater treatment plant treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant

Steps to Life Ministries 9330 Prairie Meadow Circle Derby, KS 67037

Waterway

SE1/4, S20, T28S R2E, Sedgwick

County

Kansas Permit No. C-AR29-NO02

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing nondischarging wastewater treatment plant treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant

Doyle L. Thomas Thomas Trailer Town Route 5 Paola, KS 66071

Waterway SE1/4, S30, T17S

R23E. Miami County

Type of Discharge Nondischarging

Kansas Permit No. C-MC33-NO01

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing nondischarging wastewater treatment plant treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Public Notice No. KS-EG-96-031

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a draft permit has been prepared for the continued use of a Class I nonhazardous waste injection well for the applicant described below.

Name and Address of Applicant

Well Location

North American Salt Co. Lyons Facility 1662 Ave. N Lyons, KS 67554 Well Identification #1 KS Permit No. KS-01-159-001

NE NE SE, S15, T20S, R8W, Rice County

2310' fsl and 330' fel from SE corner of section

Description: The facility is a salt production plant. The fluids to be injected are described as nonhazardous liquid waste consisting of waste brines from salt manufacturing processes, recovered contaminated groundwater from remediation wells, flush water from cleanup of salt contaminated soils, laboratory wastewater, displaced brine from slurrying into Class V wells, and groundwater monitoring well purge

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before April 19 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate pub-KS-96-047/052, lic notice number (KS-AG-96-79/82, KS-ND-96-018/022, KS-EG-96-031) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/ or announcement of the public notice or public hearing is handled by the Kansas Department of Health and En-

vironment.

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

> James J. O'Connell Secretary of Health and Environment

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Doc. No. 017411

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State Corporation Commission

Notice of Railroad Abandonment

The Pioneer Legacy Foundation, 19370 W. 87th Lane, Shawnee Mission, has filed an application with the State Corporation Commission on March 13, 1996, seeking authority to cancel its Certificate of Public Convenience and Necessity to transact business in Kansas as a railroad common carrier to transport passengers, pursuant to K.S.A. 66-131, and for authority to abandon and dispose of its rail line and associated materials from a point near 50th Street in South Topeka, Kansas, to Berryton, Kansas.

The applicant was authorized to operate as a railroad common carrier of passengers by order of this commission dated January 2, 1990, in Docket Number 166,407-R; however, it has never operated under that authority.

This commission is now accepting comments and/or protests from interested parties stating their position on this abandonment. All pleadings should be filed with the director of the Transportation Division, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, by April 10. At the end of this comment/protest period, the commission will review all pleadings and determine the appropriate action to be taken.

Judith McConnell Executive Director

Doc. No. 017416

State of Kansas

Department of Health and Environment

Notice of Available Funding for Tobacco Use Prevention Coalitions

The Bureau of Chronic Disease and Health Promotion of the Kansas Department of Health and Environment has funding available through the Centers for Disease Control and Prevention's Office on Smoking or Health to develop or enhance local tobacco use prevention coalitions. Grants of up to \$6,000 are available to local communities for the purposes of development, enhancement or expansion of local tobacco prevention and control coalition activity. Applications should address county or community-wide tobacco prevention initiatives and focus on changing community attitudes, norms and behaviors relative to tobacco use in order to receive consideration.

Grants will be awarded on a competitive basis. Application deadline is May 10. Applications received after that date will not be considered.

Application materials can be obtained by contacting Leigh Dickens, Public Health Educator, Tobacco Use Prevention Program, KDHE/SCDO, 130 S. Market, Room 6050, Wichita, 67202, (316) 337-6050 (e-mail DICK108W@WONDER.EM.CDC.GOV).

James J. O'Connell Secretary of Health and Environment

Doc. No. 017422

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1995 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 3-25-	96 through 3	-31-96
Term	_	Rate
0-90 days		5.40%
3 months		5.13%
6 months		5.24%
9 months		5.36%
12 months	· .	5.49%
18 months	e e e e e e e e e e e e e e e e e e e	5.76%
24 months	1	5.85%
36 months		6.03%
48 months		6.16%

Sally Thompson State Treasurer

Doc. No. 017402

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard at 9:30 a.m. April 9 before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (913) 271-3196 or 271-3146. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before

the Commission."

Applications set for April 9, 1996

Application for Certificate of Public Service:

Clayton Befort, dba) Docket No. 148,423 M Befort Custom Harvesting) 1177 Commerce Parkway) Hays, KS 67601) MC ID No. 123488

Applicant's Attorney: None

General commodities (except household goods, classes A and B explosives and hazardous materials),

Between all points and places in the State of Kansas.

	Application for Certificate of Public Service:	Application for Certificate of Public Service
)	Colberg Transportation, Inc.) Docket No. 194,189 M 1004 W. Main) Lyons, KS 67554) MC ID No. 153080	Charles S. Maschler, dba) Docket No. 185,589 M Maschler Trucking) Route 1, Box 155A)
	Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611	Highland, KS 66035) MC ID No. 145033 Applicant's Attorney: Clyde Christey, Southwest Plaza
	General commodities (except explosives and household goods),	Bldg., Suite 124, 3601 W. 29th, Topeka, KS 66614
	Between all points and places in the State of Kansas.	General commodities (except household goods and hazardous commodities),
		Between all points and places in the State of Kansas.
	Application for Certificate of Public Service:	. Par sacrado de 2000 do entre de 1000 Parimento de 1000 de 10 Sebella Semenas em monte fore de 1000 d
	D & H Oil Company) Docket No. 192,785 M 204 W. Ave. A	Application for Certificate of Public Service:
	Syracuse, KS 67878) MC ID No. 152182	Frank McKay) Docket No. 194,268 M
	Applicant's Attorney: None	Route 3, Box 150 Norton, KS 67654) MC ID No. 152964
	General commodities (except household goods and salt water),	The state of the s
	Between all points and places in the State of Kansas.	Applicant's Attorney: Joseph Weiler, 2101 S.W. 21st, P.O. Box 237, Topeka, KS 66601-0237
		Grain, seeds, feed and feed ingredients,
Application for Certificate of Public Service:		Between all points and places in the State of Kansas.
	Scott Davis) Docket No. 191,567 M 6310 U.S. Highway 169)	1927, Sp. Apr. 1 10 receive week. The contributes to the contributes the contributes to the contributes the contributes to the contribute to the contributes to the contribute to the contributes to the contribute to the contributes to the con
	St. Joseph, MO 64507) MC ID No. 151302	Application for Certificate of Public Service:
	Applicant's Attorney: None	Pettay and Sons Trucking,) Docket No. 194,263 M
	Grain,	320 James)
	Between all points and places in the State of Kansas.	Dighton, KS 67839) MC ID No. 152961
	****** Carlot of the state of t	Applicant's Attorney: Clyde Christey, Southwest Plaza
	Application for Certificate of Public Service:	Bldg., Suite 124, 3601 W. 29th, Topeka, KS 66614
,	Kling Farms, Inc.) Docket No. 194,262 M Route 1)	General commodities (except household goods and hazardous commodities),
	Belleville, KS 66935) MC ID No. 152960	Between all points and places in the State of Kansas.
	Applicant's Attorney: None	· · · · · · · · · · · · · · · · · · ·
	Grain,	Application for Transfer of Certificate of
	Between all points and places in the State of Kansas.	Public Service:
	**************************************	Charles J. Poore, dba) Docket No. 165,280 M
	Application for Certificate of Public Service:	Poore Farms Route 2, Box 98
	Michael J. Korte, dba) Docket No. 194,261 M Korte Farms)	McDonald, KS 67745) MC ID No. 131394
	Route 1, Box 49	Curby W. Poore, dba) Docket No. 194,108 M
	LaHarpe, KS 66751) MC ID No. 152959	C & C Enterprises P.O. Box 163
	Applicant's Attorney: None	McDonald, KS 67745) MC ID No. 153011
	Grain and livestock,	Applicant's Attorney: None
	Between all points and places in the State of Kansas. *****	Grain, seed, salt, building materials, dry feed, dry feed ingredients, dry fertilizer (except ammonium nitrate),
	Application for Certificate of Public Service:	and dry fertilizer ingredients,
	Robert Law, dba) Docket No. 194,269 M	Between all points and places in Republic, Cloud, Ot-
	Law Trucking)	tawa, Saline, McPherson, Harvey, Sedgwick, Sumner, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman,
	541 S. Lightner) Wichita, KS 67218) MC ID No. 152965	Harper, Smith, Osborne, Russell, Barton, Stafford, Pratt,
		Barber, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Ki-
	Applicant's Attorney: None Bulk commodities,	owa, Comanche, Norton, Graham, Trego, Ness, Hodge- man, Ford, Clark, Decatur, Sheridan, Gove, Lane, Gray,
)	Between all points and places in the State of Kansas.	Meade, Rawlins, Thomas, Logan, Scott, Wichita, Finney,
,	*****	Kearney, Grant, Haskell, Stevens, Seward, Cheyenne, (continued)

Sherman, Wallace, Greeley, Hamilton, Stanton and Morton counties, Kansas.

Also.

Between the above-mentioned counties, on the one hand, and the State of Kansas, on the other.

NOTE: Effective January 1, 1995, the commission may no longer enact or enforce any statute or regulation related to routes of intrastate motor common carriers of property other than household goods. The holder of an intrastate certificate may transport the above described commodities anywhere within the State of Kansas.

Application for Contract Carrier Permit:

Potter Trucking Incorporated) Docket No. 194,267 M 500 McClary Road Dumas, TX 79029) MC ID No. 212515

Applicant's Attorney: None

ROBERT MINISTER

Natural gas pipeline liquids, including natural gasoline and associated water (restricted to transport no salt water).

Between all points and places in the State of Kansas. Under contract with Anadarko Petroleum Corporation, Oklahoma City, Oklahoma.

- Application for Certificate of Public Service:

Runge Trucking, Inc.) Docket No. 144,708 M 509 14th St. South St. James, MN 56081) MC ID No. 120751

Applicant's Attorney: None

Bulk commodities,

Between all points and places in the State of Kansas. ****

Application for Certificate of Public Service:

Melvin and Byron Siemens,) Docket No. 194,266 M dba Siemens Trucking 2645 N.E. 10th Kingman, KS 67068) MC ID No. 152963

Applicant's Attorney: None

General commodities, including dry fertilizer and carbon dioxide (except classes A and B explosives, household goods and all other hazardous materials),

Between all points and places in the State of Kansas. *****

Application for Certificate of Public Service:

Superior Mobile Home) Docket No. 194,265 M Moving, Inc. Route 2, Box 29B Hill City, KS 67642) MC ID No. 152962

Applicant's Attorney: Joseph Weiler, 2101 S.W. 21st, P.O. Box 237, Topeka, KS 66601-0237

Mobile homes, house trailers, buildings in sections, modular structures, office buildings, undercarriages and equipment, office units, campers, boats, materials and supplies incidental

to the use and occupancy of these commodities, Between all points and places in the State of Kansas.

Application for Abandonment of Certificate of **Public Service:**

VPSI, Inc.) Docket No. 158,355 M 1220 Rankin Troy, MI 48083-6004) MC ID No. 131196 Applicant's Attorney: None

Application for Extension of Certificate of **Public Service:**

Bruce D. Voigts, dba) Docket No. 177,593 M Voigts Trucking 39119 Lone Elm Fontana, KS 66026-9734) MC ID No. 140489

Applicant's Attorney: None

General commodities, including ammonium nitrate (except household goods, classes A and B explosives and all other hazardous materials).

Between all points and places in the State of Kansas.

Application for Certificate of Public Service:

W W Petroleum Company of) Docket No. 194,264 M Macon, L.L.C., dba Midwest Fuels 30877 Holman Road) MC ID No. 210313 Macon, MO 63552

Applicant's Attorney: None

Asphaltic-related petroleum products,

Between all points and places in the State of Kansas.

Application for Certificate of Public Service:

Wayman Oil Distributors,) Docket No. 190,560 M Inc. 6199 S. Oliver Derby, KS 67037) MC ID No. 150705

Applicant's Attorney: None

Petroleum products and liquid fertilizer, Between all points and places in the State of Kansas.

Application for Abandonment of Certificate of **Public Service:**

Zirkle Truck Line, Inc.) Docket No. 30,327 M 9125 S.W. 79th Auburn, KS 66402-9516) MC ID No. 100260

Applicant's Attorney: None

Don Carlile Administrator Transportation Division

Doc. No. 017415

Department of Health and Environment

Notice of Hearing on Federal Block Grants

The House Appropriations Committee of the Kansas Legislature will conduct a public hearing at 1:30 p.m. Wednesday, April 3, in Room 514-S, State Capitol, 300 S.W. 10th Ave., Topeka. The scheduled agenda includes the maternal and child health services block grant and the preventive health and health services block grant.

James J. O'Connell Secretary of Health and Environment

Doc. No. 017408

(Published in the Kansas Register March 21, 1996.)

Summary Notice of Bond Sale \$510,000

Unified School District No. 359
Sumner County, Kansas (Argonia)
General Obligation School Building Bonds
Series 1996

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated March 11, 1996, sealed bids will be received by the clerk of Unified School District No. 359, Sumner County, Kansas (Argonia) (the issuer), on behalf of the governing body at office of the Board of Education, 504 N. Pine, Argonia, KS 67004, until 7 p.m. C.D.T. on April 8, 1996, for the purchase of \$510,000 principal amount of General Obligation School Building Bonds, Series 1996. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 1, 1996, and will become due on September 1 in the years as follows:

Year	Principal Amount
1997	\$25,000
1998	40,000
1999	45,000
2000	50,000
2001	50,000
2002	55,000
2003	55,000
2004	60,000
2005	65,000
2006	65,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1997.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$10,200 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before April 30, 1996, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1995 is \$8,540,654. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$510,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 435-6311, or from the financial advisor, Ranson & Associates, Inc., 120 S. Market, Suite 450, Wichita, KS 67202, Attention: Stephen E. Shogren, (316) 262-4955.

Dated March 11, 1996.

Unified School District No. 359 Sumner County, Kansas (Argonia)

Doc. No. 017400

(Published in the Kansas Register March 21, 1996.)

Summary Notice of Bond Sale \$141,162.08 City of Cimarron, Kansas General Obligation Bonds Series A, 1996

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated March 4, 1996, sealed bids will be received by the clerk of the City of Cimarron, Kansas (the issuer), on behalf of the governing body at 119 S. Main, P.O. Box 467, Cimarron, KS 67835, until 5 p.m C.S.T. on April 1, 1996, for the purchase of \$141,162.08 principal amount of General Obligation Bonds, Series A, 1996. No bid of less than 98.6 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

(continued)

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, exceptione bond in the denomination of \$6,162.08. The bonds will be dated April 15, 1996, and will become due bon November 1 in the years as follows:

-invoes protested to be a consequent only stated between the first a part	Amount
indus block 1997: Lee Discours, Lee	\$ 6,162.08
dasang and 1998 mali name a con-	10,000
1999	15,000
	15,000
86800 × 300 × 2001,	15,000
2002	15,000
	15,000
111992 A. 1971 (V.) 2004	15,000
2005	15,000
2006	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on November 1, 1997.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$2,823,25 (2 percent of the principal amount of the bonds).

-Deliveryal assessed to a like gra The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before April 15, 1996, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1995 is \$7,911,180. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$189,600.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore and Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 855-2322, or from the financial advisor, J.O. Davidson & Associates, Inc., 245 N. Waco, Suite 525, Wichita, Kansas, Attention: David Shupe, (316) 265-9411.

Dated March 4, 1996.

City of Cimarron, Kansas

Doc. No. 017421

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(Printed in the Kansas Register March 21, 1996.)

NOTICE OF PARTIAL REDEMPTION

City of Kansas City, Kansas Single Family Mortgage Revenue Bonds 1980 Series A

NOTICE IS HEREBY GIVEN by Security Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66101, (the "Trustee") that, pursuant to Section 3.01 of the Trust Indenture of The City of Kansas City. Kansas, Single Family Mortgage Revenue Bonds, 1980 Series A, that a total of \$515,000 principal amount of the Bonds is being called for redemption on May 1, 1996 at the redemption price of 100 percent of the principal amount plus accrued interest thereon to the redemption date. This Notice was first published on Thursday, March 21, 1996 in the Kansas Register and Redemption Digest and Securities Industry Daily.

The serial numbers of the Bonds to be redeemed are as follows: (NOTE: Coupons due May 1, 1996 should be presented in the normal manner. Coupons due November 1, 1996 and all subsequent coupons must be attached to bonds called for redemption:

CUSIP No. 484770 BL5, Due 05/01/2012 (\$5,000 each) Bearer Bonds

2561 2760 2793 2864 2894 3570 4332 4362 4366 5066 5175 5554 7065 7209 7225 7425 7453

> Registered Bonds called in the amount indicated below the the R440 : \$5,000 R620 :.. \$5,000 R621 :... \$5,000 R624 .. \$5,000 R638 ... \$5,000 R639 .\$340,000

CUSIP No. 484770 BP6, Due 05/01/1999 (\$5,000 each) **Bearer Bonds**

1404 1427 1428

Registered Bonds called in the amount indicated below

R299 \$5,000 R337 \$5,000 800 800 800 800 R614 \$10,000 R641 \$30,000

Land of American INSTRUCTIONS

1. Send your bond by registered or certified mail, return receipt requested or present if to:

Security Bank of Kansas City

Corporate Trust Division One Security Plaza Kansas City, Kansas 66101 Attn:, Bond Redemption Desk

2. Pursuant to the terms of the Internal Revenue Code, the paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities. may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a valid Taxpayer Identification Number.

The CUSIP Number is included solely for the convenience of the Bondholders. Neither the Issuer nor the Paying Agent shall be responsible for the selection of the use of the CUSIP Number, nor is any representation made as to its correctness on the securities or as indicated in any redemption notice.

4. Interest on the bonds herein called for redemption shall cease to accrue on and after May 1, 1996.

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Security Bank of Kansas City

CORPORATE TRUST DIVISION CORPORATE

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Dated: March 21, 1996 () January 1830 no great lands shared 18891

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Department of Human Resources Division of Workers Compensation

Permanent Administrative Regulations

Article 9.—MEDICAL AND HOSPITAL

51-9-7. Fees for medical and hospital services. Charges for medical, surgical, hospital, dental, and nursing services, medical equipment, medical supplies, prescriptions, medical records, and medical testimony rendered pursuant to the Kansas workers compensation act shall be the lesser of the usual and customary charge of the health care provider, hospital or other entity providing the health care services or the amount allowed by the "Workers Compensation Schedule of Medical Fees" published by the Kansas Department of Human Resources and dated May 1, 1996, including the ground rules incorporated in the Schedule, which is hereby adopted by reference. (Authorized by and implementing K.S.A. 44-510; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended May 1, 1976; amended May 1, 1978; amended, T-88-20, July 1, 1987; amended May 1, 1988; amended Nov. 1, 1993; amended April 5, 1996.)

> Wayne L. Franklin Secretary of Human Resources

Doc. No. 017399

(Published in the Kansas Register March 21, 1996.)

Notice of Redemption City of Potwin, Kansas Water Utility System Taxable Revenue Bonds Series A, 1988 Dated May 1, 1988

Notice is hereby given that pursuant to a resolution of the governing body of the City of Potwin, Kansas, and Section 3 of the city's ordinance No. 592, the following outstanding City of Potwin, Kansas, Water Utility System Taxable Revenue Bonds, Series A, 1988, dated May 1, 1988, maturing on and after November 1, 1995, have been called for redemption and prepayment on May 1, 1996 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein.

Principal Amount	Maturity Date	Interest Rate
\$20,000	November 1, 1996	10.00%
20,000	November 1, 1997	10.25%

The principal amount of the above described Series A, 1988 Bonds shall become due and payable on May 1, 1996, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date.

On May 1, 1996, provided that funds are on hand to pay the specified redemption price, all outstanding Series A, 1988 Bonds will become due and payable at the office of the Kansas State Treasurer, Topeka, Kansas, and from and after May 1, 1996, all interest on the Series A, 1988 Bonds will cease to accrue thereon.

Under the Interest and Dividend Tax Compliance Act of 1983 [Section 3406(a)(I) of the Internal Revenue Code of 1986], as amended, paying agents making payment of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment. Holders of the Series A, 1988 Bonds who desire to avoid the imposition of said tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated May 11, 1996.

City of Potwin, Kansas By Kansas State Treasurer Topeka, Kansas Paying Agent

Doc. No. 017419

State of Kansas

Kansas Arts Commission

Notice of Advisory Panel Meetings

Advisory panels of the Kansas Arts Commission will meet in Topeka during March and April to evaluate applications for funding assistance from the Arts in Education and Major Grant programs during fiscal year 1997. Each of the panels will convene in the Senate Room on the lobby level of the Jayhawk Tower, 700 S.W. Jackson.

The panel meeting schedule for the four Arts in Edu-

cation categories is as follows:

- Arts In Early Education, Arts & Kansas Quality Performance Accreditation, and AIE Programs with a Social Focus/Special Populations, 9 a.m. March 26.
- Arts In Education Programs and Communities, 9 a.m. March 27.

The panel meeting schedule for the four Major Grant categories is as follows:

- Basic Program Support, 9 a.m. April 2-3.
- Local Arts Agency Support, 9 a.m. April 8.
- Project Support, 9 a.m. April 9.
- Presenter/Festival Support, 9 a.m. April 10.

Each panel is chaired by a commissioner. Based upon recommendations from the panels, the commission will vote during its quarterly business meeting in June to award grants in the two programs.

Meetings of the Kansas Arts Commission, a state agency, and its funding advisory panels are open to public observation in accessible locations. Persons with special needs are asked to request accommodation to meet those needs at least one week before any meeting.

For more information, contact the Kansas Arts Commission, Jayhawk Tower, 700 S.W. Jackson, Suite 1004, Topeka, 66603-3758, (913) 296-3335. Persons with special communication needs may utilize the Kansas Relay Center, 1-800-766-3777.

Eric Hayashi Executive Director

Doc. No. 017417

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 96-6

Written March 7, 1996, to Arlene Eveleigh, Ellis.

This opinion is in response to your letter of February 21, 1996, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local level conflict of interest laws (K.S.A. 75-4301 et seq.). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 75-4301 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as a Trego County Commissioner. You advise us that you own a business, as well as land you intend to develop into home sites, both of which have water meters that were purchased prior to you becoming a commissioner, from the Rural Water District Board that serves Trego County.

You note that other than voting on a block grant for the water district, neither you, nor your spouse, hold a position with the district board, or have any other connection with the board other than as a customer.

Ouestion

Is it a conflict of interest if questions concerning the water district were to come before the county commission?

Opinion

We first note that for the local level conflict of interest laws to apply, a "substantial interest," as defined by K.S.A. 75-4301a(a), must be held in a "person" or "business." That subsection states:

"Substantial interest" means any of the following: (1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

- (2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- (3) If an individual or an individual's spouse, either individually or collectively, has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- (4) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from federal taxation of corporations under section

501(c)(3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States code, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.

(5) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

As used in this subsection, "client or customer" means a business or combination of businesses.

K.S.A. 75-4301a(b) states:

"Business" means any corporation, association, partnership, proprietorship, trust, joint venture, and every other business interest, including ownership or use of land for income.

As the commission understands the situation, neither you, nor your spouse, meet the statutory definition for holding a "substantial interest" in the water district. Therefore, the prohibitions found in the local level conflict of interest laws would not be applicable to your situation. Thus, it would not be a conflict for you to act, in your capacity as a commissioner, in dealings with the water district.

In closing, we note that even if you or your spouse met the K.S.A. 75-4301a(a) statutory definition for holding a "substantial interest" in the water district, since the definition of "business" found in K.S.A. 75-4301a(b) does not include governmental subdivisions, and there is not a definition of "person" in the local level conflict of interest laws, this commission has consistently held that a "substantial interest" cannot be held in local subdivisions of government such as a water district. Therefore, the prohibitions found in the local level conflict of interest laws would not be triggered and you could act, in the capacity as a commissioner, in dealings with the water district.

Advisory Opinion No. 96-7

Written March 7, 1996, to Honorable Bob Knight, Office of the Mayor, Wichita.

This opinion is in response to your letter of February 21, 1996, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Campaign Finance Act (K.S.A. 25-4142 et seq.).

Factual Statement

We understand you request this opinion in your capacity as the mayor of the City of Wichita. You advise us that you have been appointed by the National League of Cities to co-chair the "Election '96 Task Force." As a member of this task force, you have been invited to attend the Republican National Convention in San Diego, California.

Question

Is it permissible, under the campaign finance act, for you to use campaign funds to pay for the expenses of attending the Republican National Convention? **Opinion**

K.S.A. 25-4157a(a) applies to your question. That subsection states:

No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for legitimate campaign purposes, for expenses of holding political office or for contributions to the party committees of the political party of which such candidate is a member.

For the purpose of this section, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

Based on the information you have provided to the commission, we believe that since the mayor of Wichita is elected on a non-partisan basis, and since co-chairing the task force and attending the Republican National Convention does not have a "direct connection with or effect upon" being the mayor of Wichita, the situation you describe would not be "for legitimate campaign purposes" or "for expenses of holding political office." Thus, you would not be permitted, under the campaign finance act, to use your campaign funds to attend the convention.

Advisory Opinion No. 96-8

Written March 7, 1996, to Steve Seawall, Department of Administration, Division of Accounts and Reports, Topeka.

This opinion is in response to your letter of February 16, 1996, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 et seq.). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as an accountant for the Department of Administration, Division of Accounts and Reports. You advise us that until recently you were employed in the Municipal Accounting Section as an audit review supervisor. Your job responsibilities did not include designing computer software. However, during your off-duty hours, you developed computer software called "Budget Helper" which would assist municipalities in their budget preparation. You have now entered into an agreement with a CPA firm to market your software. The Municipal Accounting Section has budget spreadsheet software that was developed by other employees within the section that is sold to various municipalities.

Question

Is it a violation of the state level conflict of interest laws for a state employee, during off-duty hours, to develop and market computer software that would be in business competition with software designed by that employee's state agency?

Opinion

As the commission understands the situation, we find nothing in the state level conflict of interest laws which prohibits the situation you describe. However, we do note that under K.S.A. 46-241 you may not use any confidential information acquired during your state duties to further your private business interest.

Advisory Opinion No. 96-9

Written March 7, 1996, to Thomas Dow, Kansas Department of Commerce and Housing, Topeka.

This opinion is in response to your letter of March 5, 1996, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 et. seq.). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as an employee of the Community Development Division within the Kansas Department of Housing and Commerce (KDH&C). You advise us that in that capacity, you perform administrative duties related solely to the administration of the Disaster Recovery Program.

You have the opportunity to perform some consulting work for a not-for-profit economic development corporation during your off-duty hours with the state. You state that your consulting work would not involve any program, product or service offered by Community Development Division, nor would you be using any state office equipment.

Question

Is it a violation of the state level conflict of interest laws for an employee of KDH&C to work as a consultant for a not-for-profit economic development corporation during off-duty hours?

Opinion

K.S.A. 46-233(a) may apply to the situation you describe. That subsection states:

No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to, has been substantially involved in the preparation of or is a participant in the making of such contract and is employed by such person or business or such officer or employee or any member of such officer's or employee's immediate family has a substantial interest in such person or business. Substantial interest means "substantial interest" as defined by K.S.A. 46-229, and amendments thereto, and any such interest held within the preceding twelve months of the act or event of participating in the preparation of making a contract.

Whenever any individual has, within the preceding two years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee.

The issue raised in applying this language to your situation is the appropriate definition of the word "employment." While it could be argued that a broad definition of that term would include consulting as an independent contractor, this commission has consistently held that since the term is used twice in the same sentence and the second usage clearly applies to a master/servant setting, and further, since this is a criminal statute which must be strictly construed, that "employment" means those settings where a true employer/employee relationship is established.

Thus, we believe that as an independent contractor doing consultant work, this section would not apply and the situation you describe would not be a violation of the state level conflict of interest laws.

If, instead, you were going to do consulting work for the corporation as an employee, then so long as you had not participated, as a state employee, in the making of any contracts between the state and the corporation, the situation you describe would not be a violation of the state level conflict of interest laws.

The commission does draw your attention to K.S.A. 46-241, which prohibits the use of confidential information obtained as a state employee to further personal economic interests.

Advisory Opinion No. 96-10

Written March 7, 1996, to Jacqueline Clark, State Legislative Coordinator, Hallmark Cards, Inc., Kansas City, Missouri.

This opinion is in response to your letter of March 6, 1996, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 et seq.). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as legislative coordinator for the Hallmark Cards Corporation. You advise us that Hallmark wants to assist the state of Kansas in encouraging parents to immunize their children by donating a large quantity of greeting cards to the Kansas Department of Health and Environment (KDHE). The cards would be pre-printed with the signatures of the governor and first lady and "Operation Immunize." The cards, which would be sent to new parents, would include a detachable immunization record for their use. You believe the cards would help promote the state's efforts to increase immunization rates for children.

Question

Based on the factual situation you describe, we understand you ask us the following questions:

- 1. Is it a violation of the state level conflict of interest laws for Hallmark Cards, Inc. to give the greeting cards to the KDHE?
- 2. If it is not a violation to give the cards, what reporting requirements, if any, would exist?

Opinion

We have reviewed the state level conflict of interest laws in their entirety and two sections may apply to your questions.

K.S.A. 46-237(c) states:

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency.

K.S.A. 46-225(a)(1) states:

"Lobbying" means promoting or opposing in any manner action or nonaction by the legislature on any legislative matter or the adoption or nonadoption of any rule and regulation by any state agency.

As the commission understands the situation, the KDHE does not license, inspect or regulate your company as those terms are used in K.S.A. 46-237(c). Therefore, the prohibition in that subsection would not apply to your question. In addition, K.A.R. 19-40-3a(7)(b)(2)(A) excludes from the definition of "gift" those "goods or services which are provided to a state agency which does not license, inspect nor regulate the giver and are used to benefit the state as a whole." We believe the cards and immunization checklists will benefit the citizens of Kansas as a whole, and therefore are not a "gift." Thus, the situation you describe would not be a violation of the state level conflict of interest laws.

In answer to your second question, the lobbying laws would not be triggered since the giving of the cards is not to "promote or oppose" any rule or regulation of the KDHE. Thus, Hallmark Cards Corporation would have no reporting requirements under Kansas lobbying provisions.

Advisory Opinion No. 96-11

Written March 7, 1996, to Honorable Dale Oglesby, Galena.

This opinion is in response to your letter of January 29, 1996, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local level conflict of interest laws (K.S.A. 75-4301 et seq.). We note at the outset that the commission's jurisdiction concerning your questions is limited to the application of K.S.A. 75-4301 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as mayor for the City of Galena, Kansas. You advise us that in order to improve jail conditions in Cherokee County, you are proposing, as a private businessman, a business idea to the county commissioners that would involve a contract between the county and a management company in which you have a minority interest. You further advise us that you have filed to run for the position of sheriff and the proposal could affect that position's salary, although any proposed contracts would be in place before you became sheriff.

Question

Based on the factual situation you have described, you ask us the following questions:

- 1. Is it a violation of the local level conflict of interest laws for a mayor, in the capacity as a private businessperson, to be involved in a contract with the county?
- 2. Is it a violation of the local level conflict of interest laws for a candidate for sheriff, as a private businessperson, to be involved in a contract with the county?

Opinion

K.S.A. 75-4301a and K.S.A. 75-4304 apply to your questions.

K.S.A. 75-4301a(a) states:

"Substantial interest" means any of the following: (1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

- (2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- (3) If an individual or an individual's spouse, either individually or collectively, has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- (4) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501(c) (3), (4), (6), (7), (8), (10), or (19) of chapter 26 of the United States code, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.
- (5) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

As used in this subsection, "client or customer" means a business or combination of businesses.

K.S.A. 75-4304 states:

- (a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.
- (b) No person or business shall enter into any contract where any local governmental officer or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.
- (c) A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.
- (d) This section shall not apply to the following:
- (1) Contracts let after competitive bidding had been advertised for by published notice; and
- (2) contracts for property or services for which the price or rate is fixed by law.
- (e) Any local governmental officer or employee who is convicted of violating this section shall forfeit the office or employment.

The commission first notes that for the local level conflict of interest laws to apply, you must hold a "substantial interest," as defined by K.S.A. 75-4301a, in the management company. If you do not hold a "substantial interest" in the company, the conflict of interest laws would not apply and both of your questions would be answered as such. Assuming that under K.S.A. 75-4301a you do have a "substantial interest" in the management company, then your questions require further analysis.

In answer to your first question, the prohibitions found in K.S.A. 75-4304 would only apply to a contract between you, as a private businessperson, and the city. However, the situation you describe involves your participation on behalf of the management company in a contract with the county. Therefore, it would not be a violation for you to participate in the making of a contract between the management company and the county.

Turning to your second question, we first note that the prohibitions in K.S.A. 75-4304 apply to a local governmental officer or employee, and not to a candidate for local office. Thus, it would not be a violation of the local level conflict of interest laws for you to participate in the making of contracts between the county and the management company while a candidate for sheriff.

While we do not find a violation of the local level conflict of interest laws, the commission is concerned about the appearance of impropriety this situation could create. All elected officials should avoid taking any actions that tend to undermine the public's confidence in government.

Father Vincent Krische Vice-Chairman

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Doc. No. 017406

Office of Judicial Administration **Court of Appeals Docket**

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals Courtroom 11-1, Sedgwick County Courthouse 525 N. Main, Wichita, Kansas

Before Brazil, P.J.; Knudson, J.; and C. Fred Lorentz, District Judge, assigned.

Tuesday, April 2, 1996

Case No.	Case Name	1:30 p.m. Attorneys	
73,352	State of Kansas, Appellee,	County Attorney	County Mitchell
	v.	Attorney General	
TO 0.4T	Matthia Schroeder, Jr. Appellant.	Michael S. Holland	
73,247	Steven L. Bowen, Appellant,	Kenneth H. Jack	Sedgwick
-	Auto Plaza East, Inc., Appellee.	David K. Holmes	
73,601	State of Kansas, Appellee,	County Attorney	Sumner
14	v. James Robert Tolliver, Appellant.	Attorney General	
	James Robert Tolliver, Appellant.	Julie A. Gorenc	
		3:15 p.m.	
72,671	Cori A. Wecker, Appellant,	David P. Calvert	Lyon
	Douglas J. Amend, M.D., Appellee.	Eldon L. Boisseau	
73,421	State of Kansas, Appellee,	County Attorney	McPherson
	V.	Attorney General	
	Scott A. Acree, Appellant.	Stephen Moss	
		endar—No Oral Argument	
73,084	State of Kansas, Appellee,	County Attorney	Sedgwick
73,085 73,174	v. Emanuel Camacho, Jr., Appellant.	Attorney General Benjamin C. Wood	
73,221	In the Matter of the Marriage of Diana K. McLeod, Appellant, and	Dennis J. Molamphy	Sedgwick
	Allan L. McLeod, Appellee.	Shelia J. Floodman	
72,702	State of Kansas, Appellee,	County Attorney	Sedgwick
	v.	Attorney General	
70.000	Coy L. Allen, Jr., Appellant.	Ernest Moulos	ng Pingulan II. Perunggan
72,882	State of Kansas, Appellee,	District Attorney	Johnson
	Garry L. Sammons, Appellant.	Attorney General Edward G. Collister, Jr.	× .
		Garry L. Sammons, pro se	
73,338	State of Kansas, Appellee,	County Attorney	Barton
73,339	v. Murel Amador, Appellant.	Attorney General Lisa Beran	
73,477	Sedgwick County, Appellee,	Carmen S. Greenup	Codemidal
,	v.	Carnien 5. Greenup	Sedgwick
,	Dwight Burnison, Appellant.	Dwight Burnison, pro se	
	Wedne	sday, April 3, 1996	
2		9:30 a.m.	
Case No.	Case Name	Attorneys	County
73,303	State of Kansas, Appellee,	Debra S. Peterson	Sedgwick
	Deborah Kay Brown, Appellant.	Attorney General Reid T. Nelson	

73,731	State of Kansas, Appellee, v. Christopher J. Palacioz, Appellant.	Debra S. Peterson Attorney General Laura B. Shaneyfelt	Sedgwick
		10:45 a.m.	
73,602	State of Kansas, Appellee, v. Rickey Lee White, Appellant.	County Attorney Attorney General Jessica R. Kunen	Reno
73,677	State of Kansas, Appellee, v. Donald H. Beall, Appellant.	County Attorney Attorney General J. Patrick Lawless	Harvey

Kansas Court of Appeals Court of Appeals Courtroom, Second Floor Kansas Judicial Center, 301 W. 10th Topeka, Kansas

Before Gernon, P.J.; Green J.; and David Prager, Chief Justice, Retired.

Tuesday, April 2, 1996 10:00 a.m.

2 2 5		Alleman	A second	County
Case No.	Case Name	Attorneys		· · · · · · · · · · · · · · · · · · ·
71,693	State of Kansas, Appellee,	Attorney General		Jefferson
	V.	County Attorney	· .	· , .
	Andrew S. Mavrovich, Jr., Appellant.	Wendy L. Rhyne Slayton	•	C1
73,158	State of Kansas, Appellee,	District Attorney		Shawnee
:	V.	Attorney General	•	
	Jamar R. Walker, Appellant.	Jean K. Gilles Phillips		
74,330	U.S.A., U.S. Dept. of Transportation, Appellant,	Robert A. Olsen		Wyandotte
•	State of Kansas Employment Security	James R. McEntire		
	Board of Review and Lester Daniels,	·		
**	Appellees.			reconstruction of the second
• •		30 p.m.		
	· · · · · · · · · · · · · · · · · · ·	-		Reno
73,385	Lawrence D. Boyer, et al., Appellants,	Lawrence D. Boyer, pro se		Reno
	Charles M. Chakour, et al., Appellees.	Steven P. Childs		
74,151	Manor of Burlingame, Inc., Appellant,	Jeffrey A. Wietharn		Shawnee
. 1,101 1 d v n	v.		100	
	SHCC, Appellee.	Randall J. Forbes		
,	3	:00 p.m.		
74,424	Nancy Lawrence, Appellant,	Paul D. Post	A Section 1	WC Board
/ 3/343	v	1 dai 2. 1 oot	V	
	Walter Cobler, CPA, Chtd., and Trinity	Jeffrey K. Cooper		
	Universal Insurance Co. and/or Kansas	Robert L. Roberts		
	Workers Comp. Fund, Appellees.			
72,825	State of Kansas, Appellee,	County Attorney		Pottawatomie
,o	V.	Attorney General		
Same Same	Donna L. Picolet, Appellant.	Edward G. Collister, Jr.		
		ay, April 3, 1996		
		:30 a.m.		
Case No.	Case Name	Attorneys		County
72,796	State of Kansas, Appellee,	District Attorney		Shawnee
, when	v.	Attorney General		**************************************
1	Michael A. Gooden, Appellant.	Julie A. Gorenc	* .	4,1,1
				(continued)
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352	Ka	nsas Register Court	of Appeals Docket
73,437	Sung Bae Kim, Appellant,	Richard D. Dvorak	Johnson
	v. Kansas Department of Revenue, Appe	llee. Brian Cox had have for a least	en e
· · · · · · · · · · · · · · · · · · ·	Summary Ca	endar—No Oral Arguments	
74,113	John D. Wilson, Appellant,	Thomas Francis Sullivan	Johnson
	v. Daytec Construction Company, et al., Appellees.	Keith Martin /	¥ia seek ^{**}
73,556	State of Kansas, Appellee, v. Galen D. Hicks, Appellant.	District Attorney Attorney General	Douglas
72,756	State of Kansas, Appellee, v.	Craig A. Stancliffe County Attorney Attorney General Jean K. Gilles Phillips	
73,217	Reonans R. Nelson, Appellant, Gerald Ladd Hersh, Appellant,	Jean K. Gilles Phillips Gerald Ladd Hersh, pro se	Miami
	Kansas State Legislature, et al., Appelle	es. Lawrence Logback	
74,775	In the Matter of the Marriage of Marly Simons, Appellant, and Wayne Gers Appellee.	Rebecca A. Bartee	Ellis Constitution
75,033	In the Interest of D.G. and C.G., childre under 18 years of age.		Osage

Kansas Court of Appeals Court of Appeals Courtroom, Third Floor Old Sedgwick County Courthouse, 510 N. Main Wichita, Kansas

County Attorney Cheryl A. Stewart

Before Pierron, P.J.; Marquardt, J.; and James J. Smith, District Judge, assigned.

Tuesday, April 2, 1996

Case No.	Case Name	L:00 p.m. Attorneye	County
72,944	State of Kansas, Appellee,	District Attorney	Sedgwick
	v. Michael E. Fisher, Appellant.	Attorney General Rebecca Woodman	3
73,783	In re Tax Appeal of Steakhouse Motel, Inc.	Linda A. Terrill Timothy P. O'Sullivan	Sumner
73,569	In the Matter of the Marriage of Jerry Patterson, Appellee, and Lucy Patterson,	Sheila J. Floodman	Sedgwick
	now Cummingham, Appellant.	Jennifer Wagle	
		15 p.m.	\$
73,759	City of Wichita, Appellant, v.	Douglas J. Moshier	Sedgwick
	Brian Fitzgerald and Gregory Pederzani, Appellees.	M. Duane Coyle D. Lee McMaster	
73,754	In the Matter of the Marriage of Mary A.	Dennis J. Molamphy	Sedgwick
. The second	Jones, Appellant, and William J. Jones, Appellee.	John Dee Roper	
	Summary Calenda	ır—No Oral Argument	
73,146	State of Kansas, Appellee, v. Robert J. Cummings, Jr., Appellant.	District Attorney Attorney General Kevin B. Johnson	Sedgwick
	-0-, j., 1-pp-mate.	Term D. Jointoon	

73,197	State of Kansas, Appellee, v.	District Attorney Attorney General	Johnson
	Ronald C. Rosenthal, Appellant.	Mary D. Prewitt	
73,351	Anita Kaye Gardner, Appellee, v.	Scott Thompson David Lipe Serrault	Saline
	Richard Lee Gardner, Appellant.	Robert A. Martin	
73,444	State of Kansas, Appellee, v.	County Attorney Attorney General	Lyon
	Leslie J. Harrison, Appellant.	Monte L. Miller	
73,004	State of Kansas, Appellee, v.	County Attorney Attorney General	Montgomery
	James A. Ellison, Appellant.	Edward G. Collister, Jr. James A. Ellison, pro se	The state of the s
73,697	State of Kansas, Appellee, v.	County Attorney Attorney General	Seward
	Carlos Mora, Appellant.	Rick Kittel	1.0
	Wedne	sday, April 3, 1996	
		8:45 a.m.	
Gase No.	Case Name	Attorneys	County
73,533	In re Application of Belle Carter High School.	John C. King Patricia J. Parker	Shawnee
72,463	Deeanna Adams, Appellee, v.	Eldon L. Boisseau	Sedgwick
	Ely Bartal, M.D., Appellant.	Bradley J. Prochaska	* - 4
		10:00 a.m.	^.
	State of Kansas, Appellee,	County Attorney	Harvey
73,266	v	Attorney General	
73,266	v. Sean Corcoran, Appellant.	Attorney General Harold F. Schorn II	
73,266 73,405		Harold F. Schorn II Debra S. Peterson	Sedgwick
	v. Sean Corcoran, Appellant. State of Kansas, Appellee, v.	Harold F. Schorn II	Sedgwick

Kansas Court of Appeals Division 1, Wyandotte County Courthouse 710 N. 7th, Third Floor Kansas City, Kansas

Before Rulon, P.J.; Lewis J.; and Janice D. Russell, District Judge, assigned.

Tuesday, April 2, 1996

	Luesaa	ıy, Aprii 2, 1990	1977
		1:00 p.m.	
Case No.	Case Name	Attorneys	County
73,508	Robert L. Wiggins and Michael White, Appellants,	Michael R. McIntosh	Wyandotte
	Housing Authority of Kansas City, Appellee.	Frank D. Menghini	
73,243	Larry Beeson and Connie Beeson, Appellees, v.	Martin Asher	Atchison
	Jim Erickson, d/b/a Bullock Garages and Bullock Garages, Inc., Appellant.	Gregory S. Hill	5
74,512	William S. Bodde, y.	n de la composition de la composition La composition de la	WC Board
	CI-Lor Manufacturing Company, Inc., and United States Fidelity & Guaranty Co.,	Patricia A. Wohlford	
	Appellees, and Kansas Workers Compensation Fund, Appellant.	Patrick J. Gregory	TO THE STATE OF TH
		2000年,1900年,中国共和国的国家。	(continue

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Kansas Register _

Court of Appeals Docket

	3:	00 p.m.	*	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
73,466	Carl D. Randolph, Jr., Appellant,	Michael R. McIntosh		Wyandotte
41/4 x1 - 54	Jesse Rodriguez, et al., Appellees.	Henry E. Couchman, Jr.		
74,559	Ronald L. Reinhart, Appellant,	Timothy A. Short		WC Board
and Section 1	Superior Industries International, Inc., Appellee.	John I. O'Conner	, N	Reigner Color
	Summary Calend	ar—No Oral Argument		(1941년) - 1941년 - 1941
73,190	Mark A. Dreiling and Gin Dreiling, Appellees,	Ross Wichman		Ellis Danie
	Grant Company Implement, Inc., Appellant.	Bradley E. Ambrosier	•	
73,211	State of Kansas, Appellee, v. Michael L. Hopkins, Appellant.	District Attorney Attorney General Debra Wilson		Wyandotfe
73,064	In the Matter of the Marriage of Donna B. Thornsberry, Appellee, and Roy Edward	Brian Frost		Shawnee
	Thornsberry, Appellant.	Kenneth F. Crockett		
72,268	State of Kansas, Appellee, v. David C. Fortin, Appellant.	District Attorney Attorney General Benjamin C. Wood		Douglas
74,716	In the Interest of C.W.	County Attorney Gary L. Fuller		Leavenworth
Spile Car		Michael J. Waite	v in the second	
73,660	State of Kansas, Appellee, v.	District Attorney Attorney General		Wyandotte
aga ya Nasa Wanasan	Edward Cornell Hunter, Appellant.	Rick Kittel		3

Kansas Court of Appeals Lexington Trails Middle School 8800 Penner, DeSoto, Kansas

Before Rulon, P.J.; Lewis J.; and Janice D. Russell, District Judge, assigned.

Wednesday, April 3, 1996

Case No.	Case Name	9:00 a.m. Attorneys	County
73,835	State of Kansas, Appellee, v. Judge Thompson, Jr., Appellant.	County Attorney Attorney General Jean K. Gilles Phillips	Leavenworth
73,821	State of Kansas, Appellee, v. Robert Orlando Taylor, Appellant.	District Attorney Attorney General David J. Brown	Douglas
	10	:30 a.m.	
73,862	The Estate of John R. Bryant, et al.,	Anthony F. Rupp Robert A. Henderson	Wyandotte
	All Temperature Insulation, Inc., and APAC-Kansas, Inc., Appellants, v.	Hal Pierce James E. Benfer III James P. Nordstrom	
	Foley Company, Appellee.		
73,852	In the Matter of the Marriage of Beth E. Wyatt, Appellee, and Rodney W. Wyatt, Appellant.	Janet S. Ensign Larry E. Benson Ronald K. Barker	Wyandotte

Carol G. Green Clerk of the Appellate Courts

Kansas Turnpike Authority

Request for Proposals

The Kansas Turnpike Authority requires the services of a firm to provide bond counsel related to management of its current debt and possible future debt issuance. The Request for Proposal may be obtained via fax by a written request by fax to (316) 682-1897. Please direct RFP requests to: Controller, Kansas Turnpike Authority.

Completed proposals must be received not later than 2 p.m. April 1. For further information, call (316) 682-4537,

ext. 2282.

Jon Glaser Controller

Doc. No. 017410

State of Kansas

Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that the following bills are correct copies of the original enrolled bills now on file in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

Ron Thornburgh Secretary of State

(Published in the Kansas Register March 21, 1996.)

HOUSE BILL No. 2678

AN ACT repealing K.S.A. 74-7257; relating to the Kansas sunset law; concerning the department of transportation and office of the secretary of transportation.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 74-7257 is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 21, 1996.)

SENATE BILL No. 407

AN ACT concerning the legislative post audit act; prescribing confidentiality for audit reports under certain circumstances.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Except as provided by subsections (b) and (c) of this section and by subsections (d), (e) and (g) of K.S.A. 46-1106 and amendments thereto, each audit report prepared by the division of post audit or by a firm under the legislative post audit act, and each finding, conclusion, opinion or recommendation contained in the audit report, shall be confidential and shall not be disclosed pursuant to the provisions of the open records act or under any other law until: (1) The time of the next scheduled meeting of the legislative post audit committee held after distribution of the report to members of such committee; or (2) the time of the next scheduled meeting of another legislative committee held after distribution of the report to the members of such committee as authorized by the legislative post audit committee.

(b) The legislative post audit committee may authorize a specific confidential distribution of any audit report, prior to any such presentation of the audit report, by motion adopted by the legislative post audit committee or by rule adopted by the committee, in accordance with such motion or rule. Each person who receives an audit report pursuant to any such motion or rule authorizing a specific confidential distribution of the audit report shall keep the audit report and each finding, conclusion, opinion or recommendation contained in the audit report confidential until the audit report is presented to the legislative post audit committee or another legislative committee at an open meeting of the committee.

or another legislative committee at an open meeting of the committee.

(c) The post auditor, or the post auditor's designee may make a limited distribution of preliminary audit findings, conclusions or recommendations to any person affected by the audit as part of the process of conducting the audit. Such preliminary audit findings, conclusions, opinions or recommendations shall be confidential and shall not be subject to disclosure pursuant to the provisions of the open records act or any other law, except as provided in subsections (d), (e) and (g) of K.S.A. 46-1106 and amendments thereto.

(d) As used in this section, "audit report" means the written report of any financial-compliance audit, performance audit, or any other audit or audit work conducted under the legislative post audit act by the division of post audit or by a firm under the legislative post audit act; and any other words and phrases used in this section shall have the meanings respectively ascribed thereto by K.S.A. 46-1112 and amendments thereto.

(e) This section shall be construed as part of the legislative post audit act.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

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